

ELEVENTH ANNUAL REPORT

1977

ONTARIO LAW REFORM COMMISSION



**Ministry of the
Attorney
General**

ELEVENTH ANNUAL REPORT

1977

ONTARIO LAW REFORM COMMISSION



Ontario

**Ministry of the
Attorney
General**

The Ontario Law Reform Commission was established by section 1 of *The Ontario Law Reform Commission Act* to further the reform of the law, legal procedures and legal institutions. The Commissioners are:

DEREK MENDES DA COSTA, Q.C., LL.B., LL.M., S.J.D., *Chairman*

HONOURABLE GEORGE A. GALE, C.C., Q.C., LL.D.

HONOURABLE RICHARD A. BELL, P.C., Q.C.

W. GIBSON GRAY, Q.C.

HONOURABLE JAMES C. MCRUER, O.C., LL.D., D.C.L.

WILLIAM R. POOLE, Q.C.

M. Patricia Richardson, M.A., LL.B., is Counsel to the Commission. The Secretary of the Commission is Miss A. F. Chute, and its offices are located on the Sixteenth Floor at 18 King Street East, Toronto, Ontario, Canada.

TABLE OF CONTENTS

| | Page |
|--|------|
| INTRODUCTION | 7 |
| THE PROGRAMME: REFERRED MATTERS | 7 |
| PROJECTS IN PROCESS..... | 8 |
| (a) Sale of Goods Project | 8 |
| (b) Class Actions Project..... | 8 |
| THE PROGRAMME: PROJECTS INITIATED BY THE COMMISSION..... | 9 |
| PROJECTS IN PROCESS | 10 |
| (a) The Law of Trusts | 10 |
| (b) Administration of Estates of Deceased Persons..... | 10 |
| (c) The Hague Convention Concerning the International Administration of the Estates of Deceased Persons | 11 |
| (d) Basic Principles of Land Law..... | 11 |
| (e) The Law of Mortgages..... | 11 |
| (f) Products Liability..... | 11 |
| (g) Enforcement of Judgment Debts | 12 |
| (h) Declarations of Marital Status | 13 |
| (i) The Law of Standing | 13 |
| (j) Future Programme..... | 14 |
| LIAISON WITH OTHER LAW REFORM AGENCIES | 14 |
| ACKNOWLEDGMENTS | 15 |
| APPENDIX A | 17 |
| APPENDIX B..... | 22 |
| APPENDIX C | 23 |



Digitized by the Internet Archive
in 2011 with funding from
Osgoode Hall Law School and Law Commission of Ontario

<http://www.archive.org/details/annualreport1977onta>



Ontario
Law Reform
Commission

To The Honourable R. Roy McMurtry, Q.C.
Attorney General for Ontario

Dear Mr. Attorney:

We have the honour to present the Eleventh Annual Report of the Ontario Law Reform Commission, for the period April 1, 1977 to March 31, 1978.

INTRODUCTION

This Report deals with the activities of the Commission during the period April 1st, 1977 to March 31st, 1978. This last year has been, in two respects, a year of deep satisfaction to the Commission.

First, we have made strong and steady progress towards the completion of major projects. In particular, we have devoted much time and energy to our Projects on the Sale of Goods and on the Law of Trusts. Indeed, our research on these two topics has been concluded and we are in the process of completing our Reports. So too, we are considerably advanced in the preparation of our Report on Declarations of Marital Status.

We have also experienced deep satisfaction in the enactment, during this last year, of legislation concerning matters upon which we have previously reported. *The Marriage Act, 1977*, *The Children's Law Reform Act, 1977* and *The Family Law Reform Act, 1978*, represent the statutory culmination of our Family Law Project. We note, with considerable pleasure, that so many of the recommendations contained in our Reports on Marriage, Children, Family Property Law, Support Obligations and Torts, found acceptance by the Legislature. Moreover, the enactment of legislation concerning our previous Reports has not been confined to Family Law. We would also mention *The Succession Law Reform Act, 1977*, and, in this context, our Reports on Family Property Law, The Proposed Adoption in Ontario of The Uniform Wills Act, The International Convention providing a Uniform Law on the Form of the International Will and The Impact of Divorce on Existing Wills.

In our last Report, our Tenth Annual Report, we noted that the Chairman of the Commission, H. Allan Leal, Q.C., LL.M., LL.D., had resigned to assume appointment as the Deputy Attorney General for Ontario. On April 15, 1977 the Premier of Ontario, the Honourable William G. Davis, Q.C., announced the appointment of Dr. Derek Mendes da Costa, Q.C., LL.B., LL.M., S.J.D., as Chairman of the Commission. The appointment of Dr. Mendes da Costa commenced on July 1st, 1977.

It is with great pleasure that the Commission records that, on July 11th, 1977, our Vice Chairman, the Honourable George Alexander Gale, Q.C., LL.D., was appointed a Companion of the Order of Canada.

THE PROGRAMME: REFERRED MATTERS

Section 2(1) (d) of *The Ontario Law Reform Commission Act* requires the Commission to inquire into and to consider any matter relating to any subject referred to it by the Attorney General. No new matters were referred to the Commission during the period covered in this Report. Substantial progress was made on two prior references, the Sale of Goods Project and the Class Actions Project.

PROJECTS IN PROCESS

(a) *Sale of Goods Project*

In its Report one year ago, the Tenth Annual Report, the Commission set out in detail the history of the Sale of Goods Project. The project has involved a study of major proportions. Twenty-six working papers have been prepared for the Commission. In addition, the Commission has considered a three volume research report prepared by the Project Director, Professor J. S. Ziegel of the University of Toronto. The major portion of the past year has been spent considering and settling draft legislation implementing the policy decisions taken on the basis of the research report. Our Report will include a Draft Sale of Goods Bill. In the formulation of this Draft Bill we have carefully considered legislation in other jurisdictions, particularly Article 2 of the Uniform Commercial Code. Our draft legislation is both detailed and complex and its consideration has necessitated the scheduling of many extra meetings. The final Report on the Sale of Goods is now being prepared for submission.

It is apparent that the law relating to sales is but one aspect of the wider law of contract. As the project has progressed, we have become increasingly convinced of the need for some reform of general contract law. We anticipate that once our Report on the Sale of Goods has been completed we will commence a review of those legal principles that comprise the general law of contract.

(b) *Class Actions Project*

The subject of class actions was referred to the Commission by the Attorney General in November, 1976. The Commission was requested to investigate the advisability of the development of class actions in Ontario, with particular reference to the potential impact of an expanded class actions mechanism on the court system.

Class actions are actions whereby numerous persons having the same interest may either sue or be sued. In Ontario, class actions are founded on the Rules of Court. It would appear that, under the present Rules, the circumstances in which such actions may be brought, particularly in the case of a plaintiff suing on behalf of a class, may be somewhat restrictive. Those arguing for the expansion of class actions cite the savings to both the parties and the courts when issues common to many persons are dealt with simultaneously. In addition, in the case of plaintiffs' class suits, the procedure is said to provide a means whereby persons with small individual claims may seek redress for their injuries

where separate lawsuits would be uneconomical. Those arguing against class actions tend to focus on the burden that such suits might impose upon court resources.

The Commission's investigation will include the following: the costs and benefits of class actions; the protection by means of procedural safeguards of the respective interests of class representatives, absentee class members, the opposing party and the public; the means of assessment and distribution of damages; the awarding of costs in class actions; negotiated settlements of class actions; the role of the lawyer representing the class; professional responsibility; and, alternatives to the class action. During the past year, the Commission's internal staff has prepared a detailed research design. Substantial progress has also been made in completing the first stage of the project relating to the costs and benefits of an expanded class actions mechanism. We began by examining the present law governing class actions in Ontario under Rule 75. We then turned our attention to the experience in the United States of America, particularly in the federal court system, where class actions are governed by a specific and less restrictive procedure. We have consulted with persons knowledgeable about the American experience with class actions, focusing on the areas of substantive law in which class actions have been employed. At the same time, we have investigated American statistical and empirical data. Our interest has been to ascertain the role and function of the class action, the extent to which it has been utilized, and the impact of the class action on the court system.

It was obvious to us that any examination of class actions demanded a deep knowledge of practice and procedure in the courts. For this reason, an Advisory Committee consisting of leading members of the litigation bar, judges and academic experts in civil procedure was constituted under the chairmanship of the Commission's Vice Chairman, the Honourable G. A. Gale.

During the coming year we will begin the process of formulating our recommendations with respect to the changes, if any, that should be made to the procedure governing class actions.

THE PROGRAMME: PROJECTS INITIATED BY THE COMMISSION

Under its founding Act, the Commission has power to inquire into and consider any matter relating to reform of the law. Accordingly, the Commission may initiate research on its own motion. During the past year, two projects have been commenced by the Commission in this way: namely, Products Liability and the Administration of Estates of Deceased Persons.

PROJECTS IN PROCESS

(a) *The Law of Trusts*

Work on the law of trusts has continued during the past year under the able direction of the Project Director, Professor Donovan W. M. Waters of the University of Victoria. The Commission has completed consideration of the remaining research papers dealing with Conflict of Laws and Vesting Orders under *The Trustee Act*, and has settled all outstanding policy issues in respect of earlier research papers. The project is one of considerable magnitude and importance and has involved serious and lengthy deliberation by the Commission.

Preparation of the Commission's final Report on the Law of Trusts and of a new Draft Trustee Act is under way. It is anticipated that the final Report and draft legislation will be placed before the Commission for approval in the autumn of 1978.

(b) *Administration of Estates of Deceased Persons*

During the past year, work was commenced on a project dealing with the administration of estates of deceased persons. *The Succession Law Reform Act, 1977* is concerned, among other things, with the rules of intestate succession formerly contained in *The Devolution of Estates Act*. The objective of this project, which originally formed part of the Commission's project on the law of trusts, is a new Administration of Estates Act. The new Act would codify and revise some of the common law doctrines dealing with the administration of estates. It would bring together, in a revised and expanded form, relevant portions of *The Trustee Act* and *The Devolution of Estates Act*, and the provisions governing practice under *The Surrogate Courts Act* and Rules.

Professor George Alexandrowicz of Queen's University has been appointed Project Director. In order that the Commission may obtain the views of persons having practical experience in estate administration, an Advisory Committee of leading practitioners and other knowledgeable persons has been constituted under the chairmanship of Malcolm S. Archibald, Q.C. Preliminary meetings have been held with members of the Advisory Committee for the purpose of settling the research design.

Research papers are being commissioned and it is anticipated that work will commence during the coming year on the following topics: (1) the office of the personal representative; (2) the conveyance of the real property and the transfer of the personal property of deceased persons; (3) administration of estates of foreign decedents; (4) the position of the beneficiary; (5) rights of creditors; and (6) Surrogate Court procedure.

(c) *The Hague Convention Concerning the International Administration of the Estates of Deceased Persons*

Several years ago, the Commission undertook a study of the question whether the Hague Convention Concerning the International Administration of the Estates of Deceased Persons should be given effect in Ontario. The matter of the Convention is closely related to the Commission's Project on the Administration of Estates of Deceased Persons. For this reason, it has been decided that research on the Convention should form part of this project and should be considered in the context of the entire question of the administration of estates of foreign decedents. Research on this topic is being undertaken by Professor Marvin G. Baer of Queen's University.

(d) *Basic Principles of Land Law*

Because of other commitments, particularly with respect to the references from the Attorney General on the Sale of Goods and Class Actions, it has been necessary to defer work on this important area of the law for the present time. The Commission hopes to be in a position to resume study of the basic principles of land law in the near future.

(e) *The Law of Mortgages*

Work on the law of mortgages has been suspended pending resumption of research on the basic principles of land law. It is hoped, however, that research on the law of mortgages can proceed during the coming year.

(f) *Products Liability*

Deficiencies and anomalies in the law governing products liability became apparent to the Commission during the course of its project on the Sale of Goods. In March, 1977, it was decided to undertake an examination of the nature and scope of a supplier's liability for defective products to the ultimate user or purchaser of a product and to other persons injured by the product. During the last year, work commenced on the Products Liability Project. Professor Stephen M. Waddams of the University of Toronto was appointed Project Director.

From the outset, the Commission has sought to encourage public participation in order to obtain the views of all persons and groups having an interest in products liability. An advertisement was placed in major newspapers requesting briefs, and a background paper prepared and circulated to assist persons wishing to make submissions. Questionnaires were circulated to members of the Canadian Manufacturers' Association and to insurers and unions in an attempt to gauge the practical effects of

any change in the law. In addition, contact was established with the Consumers' Association of Canada, the Commercial, Consumer and Corporate Law Section of the Canadian Bar Association (Ontario Branch), and with the Ministry of Consumer and Commercial Relations and the federal Department of Consumer and Corporate Affairs.

Research papers have been completed on the following topics: a comparative study of the laws governing products liability in civil law jurisdictions; pure economic loss caused by defective products; the insurance implications of a change from a negligence regime to strict liability; and, the economic basis of strict liability for defective products. Additional research papers are being prepared dealing with the conflict of laws and constitutional aspects of products liability. It is envisaged that the Commission will commence its formal consideration of the research in the autumn of 1978.

(g) *Enforcement of Judgment Debts*

Not infrequently, frustration has been expressed with respect to the enforcement of judgment debts. The vagaries of post-judgment debt collection arise in large measure from the often ambiguous, complex and archaic state of existing law, the result of unsystematic historical development. This clearly unsatisfactory situation affects creditor and debtor alike, for neither party can accurately assess the existence or efficacy of all available remedies or protection under the law.

The Commission is continuing its study of the substantive and procedural rules, and the actual practice, relating to the enforcement of judgment debts. Our purpose is to propose a system that appropriately balances the rights of judgment creditors against those of judgment debtors. Accordingly, we have been examining all methods of enforcement, including execution, garnishment, and equitable execution. Our consideration of the seizure and sale of personalty has largely been completed; work has commenced on other topics, including fraudulent conveyances and pre-judgment seizure. In addition, a working paper has been commissioned on the law relating to the seizure and sale of real property.

In order to eliminate the inefficiency, expense and confusion attendant upon parallel enforcement structures, we are considering the establishment of an integrated service and enforcement office staffed by the sheriff and his officers. This office would be responsible for the enforcement of judgments of the Supreme Court, the county and district courts, the Provincial Court (Family Division), the Unified Family Court, and the small claims courts.

In our examination of the law respecting the enforcement of judgment debts, we have been ably assisted by Mr. David E. Baird, Q.C.

(h) *Declarations of Marital Status*

The Commission's Project on Declarations of Marital Status is the only topic of the Family Law Project that remains outstanding. The project deals with the jurisdiction of the court to declare the validity of an existing marriage, or of a foreign divorce or annulment, according to the law of Ontario. While the pressure of other work has delayed completion of the project, a final Report is being prepared for submission.

(i) *The Law of Standing*

The concept of *locus standi*, status to bring suit, has increasingly become a confused and problematic area of the law, particularly where the subject matter of the lawsuit affects public rights. As a general proposition, it has been held that an action to enforce public rights should be a matter for the Attorney General, either in his own name or by means of a relator action. This general proposition is subject to some statutory exceptions and to certain other exceptions, the broadest of which is that a private individual can sue if he or she can show a special private interest or demonstrate that he or she has suffered special damages.

The rules with respect to standing to litigate issues affecting public rights have been criticized by many as being unduly restrictive, and the need for legislative reform has been advocated repeatedly. Those advocating reform have argued that the present rules of standing prevent many important and otherwise justiciable issues from being litigated. It should, however, be noted that contrary views have been expressed. Those opposed to expansion of the rules of standing generally base their objections on two grounds: first, that as a matter of precedent and the structure of our system of government, the supremacy of the Attorney General in these matters ought to be preserved; secondly, that expansion of the rules of standing would lead to a flood of litigation.

The Commission intends to study carefully the arguments both for and against the expansion of the law of standing. Comparative analysis of legislation governing standing in other jurisdictions will be undertaken and statistical data, if available, will be investigated. The Commission will also consider whether a general recommendation can be made with respect to reform of the law of standing, or whether specific recommendations ought to be made with respect to various areas of the law.

During the past year, the internal staff has completed research on the present state of the law of standing. In the coming year, we will critically examine the problems under the existing law and possible solutions to these problems.

(j) *Future Programme*

It is anticipated that the task of completing the projects now in process will occupy the Commission for the foreseeable future. Once the Commission has reported on its major projects dealing with the Sale of Goods and the Law of Trusts, however, we will turn our attention to a consideration of projects that have been deferred and to new projects that might be included in our programme. The Commission is always pleased to receive suggestions for reform from members of the judiciary and of the bar, and from the general public.

LIAISON WITH OTHER LAW REFORM AGENCIES

Since the establishment of the Ontario Law Reform Commission in 1964, law reform agencies have been created in many other jurisdictions. These agencies share the common task of law reform and it not infrequently happens that research interests coincide. For this and other reasons, there is an obvious need to maintain and strengthen our contacts with law reform organizations throughout the world. We are pleased to report that the Commission was represented by the Honourable J.C. McRuer and the Honourable Richard A. Bell at the Meeting of Commonwealth Law Reform Agencies held in London, England in August, 1977. Further, as in previous years, we were privileged during the last twelve months to receive visitors from outside our own jurisdiction. We are grateful to them all for the opportunity to discuss problems of mutual interest.

Our guests, whom we were most pleased to receive, included: Mr. Deo Bhagowtee, Counsel to The Law Commission, Trinidad and Tobago; Mr. B.J. Cameron, Deputy Secretary for Justice, New Zealand; Miss Yolande Bannister, Senior Parliamentary Counsel to the Ministry of Justice, Barbados; Professor Shimon Shetreet, Faculty of Law, University of Manitoba, Visiting Professor from the Hebrew University of Jerusalem; and Miss Rike Luebbe, of the Max-Planck-Institut, Germany.

We also derived much pleasure from a visit by Members of the New Zealand Royal Commission on The Courts. The members we had the good fortune to meet were The Honourable David Stuart Beattie, Chairman; His Honour Judge John Donald Murray, Deputy Chairman; and Mr. Mark Vickerman, Research Officer.

Our visitors, during this last year, also included two members of other Canadian law reform agencies: namely, Professor Brian A. Grosman, Acting Chairman of the Law Reform Commission of Saskatchewan, and Mrs. Margaret A. Shone, Counsel to the Alberta Institute of Law Research and Reform. These visits further strengthened the firm and solid relationship we have long enjoyed with these agencies.

As a result of our discussions with Miss Yolande Bannister, arrangements have been made for two legal officers of the Ministry of the Attorney General of Barbados to visit the Commission during the summer months. We much look forward to receiving these legal officers. In this context, we were particularly pleased by a visit to our Commission of the Chief Justice of Barbados, Sir William Randolph Douglas.

During this last year the Commission has taken the opportunity to visit three Ontario Law Schools: namely, the Law Schools of the University of Western Ontario, Queen's University and the University of Ottawa. We were warmly received by the Deans of these Law Schools, by members of the Faculty and by the student body. We are much obliged to all those whose efforts combined to make our visits both successful and enjoyable.

ACKNOWLEDGMENTS

Attached to this Report as Appendix A is a list of the reports that have been prepared and submitted by the Commission since its inception in 1964, together with a table setting out the extent to which legislation has been enacted concerning our proposals.

Attached hereto as Appendix B is a list of the officers and permanent staff of the Commission. To those who have joined us during the past year we extend a sincere welcome: Ms. Jennifer K. Bankier, B.A., LL.B., Mr. William A. Bogart, B.A., LL.B., and Mrs. Mary Elizabeth Burt Salter, B.A., LL.B., as members of the legal research staff; and Mrs. Roslynne F. Mains, B.A., and Ms. Grace C. Novakowski, B.A., as members of the administrative staff. The Commission regrets the loss of several of its administrative and legal staff during the last year. To Mrs. Audrey Harrower, Mrs. Teresa Loughlin, Mrs. Margaret Williams and Mrs. Cynthia Smith, of the administrative staff, we express our grateful thanks for their faithful service. To Catherine Wolhowe and Mrs. Martha Trofimenko, legal research assistants on the Enforcement of Judgment Debts Project, we extend our best wishes for success in their new endeavours. To Mr. Simon Chester, a legal research officer who left to become Executive Counsel to the Deputy Attorney General, we acknowledge with gratitude our debt for his contribution to the work of the Commission, and wish him well in his new position.

Our sincere thanks are also extended to the Secretary, Miss A. F. Chute, and to the administrative staff for their devoted service.

Attached hereto as Appendix C is the text of a Statement issued by the Office of the Premier of Ontario upon the appointment of Dr. Derek Mendes da Costa as Chairman of the Ontario Law Reform Commission.

We wish also to record our thanks and appreciation to you, Mr. Attorney, and to the officers of the Ministry for your support and assistance during the past year.

All of which is respectfully submitted.

Derek Mendes Da Costa

DEREK MENDES DA COSTA,
Chairman.

George A. Gale

GEORGE A. GALE,
Vice Chairman.

Richard A. Bell

RICHARD A. BELL,
Commissioner.

W. Gibson Gray

W. GIBSON GRAY,
Commissioner.

* JAMES C. McRUER,
Commissioner.

William R. Poole

WILLIAM R. POOLE,
Commissioner.

March 31, 1978

* Due to illness, the Honourable J. C. McRuer was not available to sign the Report.

APPENDIX A
REPORTS MADE BY THE ONTARIO LAW REFORM COMMISSION

| Title | Date of Report | Legislation Concerning Commission Proposals |
|---|-----------------------|---|
| No. 1 The Rule Against Perpetuities | February 1, 1965 | <i>The Perpetuities Act</i> , S.O. 1966, c. 113 |
| No. 1A Supplementary Report on the Rule Against Perpetuities | March 1, 1966 | <i>do.</i> |
| No. 2 The Wages Act; Assignment of Wages | March 3, 1965 | <i>The Wages Amendment Act</i> , S.O. 1968, c. 142 |
| No. 3 Personal Property Security Legislation | May 28, 1965 | <i>The Personal Property Security Act</i> , S.O. 1967, c. 72 |
| No. 3A Supplementary Report on Personal Property Security Legislation | May 18, 1966 | <i>do.</i> |
| The Evidence Act; Admissibility of Business Records | February 16, 1966 | <i>The Evidence Amendment Act</i> , S.O. 1966, c. 51, s.1 |
| The Mechanics' Lien Act | February 22, 1966 | <i>The Mechanics' Lien Act</i> , S.O. 1968-69, c. 65 |
| Supplementary Report on The Mechanics' Lien Act | May 26, 1967 | <i>do.</i> |
| Proposed Extension of Guarantor's Liability on Construction Bonds | May 30, 1966 | See <i>The Mechanics' Lien Amendment Act</i> , S.O. 1975, c. 43 |
| | | <i>The Ministry of Transportation and Communications Creditors Payment Act</i> , S.O. 1975, c. 44 |
| | | <i>The Public Works Creditors Payment Repeal Act</i> , S.O. 1975, c. 45 |
| The Execution Act: Exemption of Goods from Seizure | December 9, 1966 | <i>The Execution Amendment Act</i> , S.O. 1967, c. 27 |
| The Law of Condominium | March 6, 1967 | <i>The Condominium Act</i> , S.O. 1967, c. 13 |
| Basis for Compensation on Expropriation | September 21, 1967 | <i>The Expropriations Act</i> , S.O. 1968-69, c. 36 |

| Title | Date of Report | Legislation Concerning Commission Proposals |
|---|--------------------|---|
| The Limitation Period for Actions under The Sandwich, Windsor and Amherstburg Railway Act, 1930 | January 8, 1968 | <i>The Sandwich, Windsor and Amherstburg Railway Amendment Act</i> , S.O. 1968, c. 120 |
| Annual Report 1967 | January 15, 1968 | — |
| Certain Aspects of the Proposed Divorce Legislation contained in Bill C-187 (Can.) | January 19, 1968 | <i>Divorce Act</i> , S.C. 1967-68, c. 24, s. 26 |
| The Proposed Adoption in Ontario of The Uniform Wills Act | February 5, 1968 | <i>The Succession Law Reform Act</i> , S.O. 1977, c. 40 See <i>The Registry Amendment Act</i> , S.O. 1978, c. 8, s. 1 |
| The Protection of Privacy in Ontario | September 10, 1968 | See <i>The Consumer Reporting Act</i> , S.O. 1973, c. 97 |
| The Insurance Act, R.S.O. 1960, c. 190, s. 183, as amended by S.O. 1961-62, c. 63, s. 4 (commutation) | October 3, 1968 | — |
| Trade Sale of New Houses and the Doctrine of Caveat Emptor | October 4, 1968 | See <i>The Ontario New Home Warranties Plan Act</i> , S.O. 1976, c. 52 |
| Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies | December 10, 1968 | <i>The Landlord and Tenant Amendment Act</i> , S.O. 1968-69, c. 58 |
| Limitation of Actions | February 3, 1969 | See <i>The Highway Traffic Amendment Act</i> (No. 2), S.O. 1975, c. 37 <i>The Fatal Accidents Amendment Act</i> , S.O. 1975, c. 38. See now <i>The Family Law Reform Act</i> , S.O. 1978, c. 2, s. 60(4) <i>The Trustee Amendment Act</i> , S.O. 1975, c. 39 |
| Annual Report 1968 | April 7, 1969 | — |

| Title | Date of Report | Legislation Concerning Commission Proposals |
|---|--------------------|---|
| The Age of Majority and Related Matters | June 3, 1969 | <i>The Age Of Majority and Accountability Act</i> , S.O. 1971, c. 98 |
| Status of Adopted Children | June 3, 1969 | <i>The Child Welfare Amendment Act</i> , S.O. 1970, c. 96, s. 23 See <i>The Child Welfare Amendment Act</i> , S.O. 1975, c. 1 |
| Report on Family Law: Part I — Torts | November 4, 1969 | <i>The Family Law Reform Act</i> , S.O. 1978, c. 2 (partial implementation) |
| Report on Section 20 of The Mortgages Act | March 12, 1970 | <i>The Mortgages Amendment Act</i> , S.O. 1970, c. 54, s. 1 |
| Report on Family Law: Part II — Marriage | April 6, 1970 | <i>The Civil Rights Statute Law Amendment Act</i> , S.O. 1971, c. 50, s. 55 (partial implementation) See now <i>The Marriage Act</i> , S.O. 1977, c. 42 (partial implementation) |
| Annual Report 1969 | April 20, 1970 | — |
| Report on Actions Against Representatives of Deceased Persons | November 30, 1970 | <i>The Trustee Amendment Act</i> , S.O. 1971, c. 32, s. 2 |
| The Coroner System in Ontario | January 25, 1971 | <i>The Coroners Act</i> , S.O. 1972, c. 98 |
| Sunday Observance Legislation | February 26, 1971 | <i>The Retail Business Holidays Act</i> , S.O. 1975 (2nd Session), c. 9 |
| Land Registration | March 23, 1971 | — |
| Annual Report 1970 | March 31, 1971 | — |
| The Change of Name Act | May 31, 1971 | <i>The Change of Name Amendment Act</i> , S.O. 1972, c. 44 |
| Section 16, The Mortgages Act | June 18, 1971 | — |
| Development Control | September 28, 1971 | <i>The Planning Amendment Act</i> , S.O. 1973, c. 168, s. 10 |
| Powers of Attorney | January 11, 1972 | — |
| Occupiers' Liability | January 11, 1972 | — |

| Title | Date of Report | Legislation Concerning Commission Proposals |
|---|--------------------|--|
| Consumer Warranties and Guarantees in the Sale of Goods | March 31, 1972 | — |
| Review of Part IV of The Landlord and Tenant Act | March 31, 1972 | <i>The Landlord and Tenant Amendment Act</i> , S.O. 1972, c. 123 |
| Annual Report 1971 | March 31, 1972 | — |
| The Non-Possessory Repairman's Lien | October 4, 1972 | — |
| Administration of Ontario Courts, Part I | February 26, 1973 | See <i>The Administration of Courts Project Act</i> , S.O. 1975, c. 31 <i>The Judicature Amendment Act (No. 2)</i> , S.O. 1977, c. 51, s. 9 |
| Annual Report 1972 | March 31, 1973 | — |
| Administration of Ontario Courts, Part II | May 23, 1973 | See <i>The Administration of Courts Project Act</i> , S.O. 1975, c. 31 |
| Report on Family Law: Part III — Children | September 25, 1973 | <i>The Child Welfare Amendment Act</i> , S.O. 1975, c. 1 (partial implementation) <i>The Succession Law Reform Act</i> , S.O. 1977, c. 40 (partial implementation) <i>The Children's Law Reform Act</i> , S.O. 1977, c. 41 (partial implementation) |
| Report on The Solicitors Act | September 28, 1973 | — |
| Report on Motor Vehicle Accident Compensation | November 6, 1973 | — |
| Administration of Ontario Courts, Part III | December 17, 1973 | <i>The Judicature Amendment Act</i> , S.O. 1975, c. 30 (partial implementation) See <i>The Administration of Courts Project Act</i> , S.O. 1975, c. 31 <i>The Small Claims Courts Amendment Act</i> , S.O. 1977, c. 52 (partial implementation) |

| Title | Date of Report | Legislation Concerning Commission Proposals |
|--|-------------------|---|
| Report on Family Law: Part IV — Family Property Law | February 8, 1974 | <i>The Succession Law Reform Act</i> , S.O. 1977, c. 40 (partial implementation) <i>The Family Law Reform Act</i> , S.O. 1978, c. 2 (partial implementation) See <i>The Land Titles Amendment Act</i> , S.O. 1978, c. 7 |
| Report on Family Law: Part V — Family Courts | February 8, 1974 | See <i>The Unified Family Court Act</i> , S.O. 1976, c. 85 |
| Annual Report 1973 | May 6, 1974 | — |
| International Convention Providing a Uniform Law on the Form of the International Will | July 3, 1974 | <i>The Succession Law Reform Act</i> , S.O. 1977, c. 40, s. 42 |
| Annual Report 1974 | March 31, 1975 | — |
| Report on Family Law: Part VI — Support Obligations | April 18, 1975 | <i>The Succession Law Reform Act</i> , S.O. 1977, c. 40 (partial implementation) <i>The Family Law Reform Act</i> , S.O. 1978, c. 2 |
| Mortmain, Charitable Uses and Religious Institutions | February 27, 1976 | — |
| Landlord and Tenant Law | March 15, 1976 | — |
| The Law of Evidence | March 29, 1976 | — |
| Annual Report 1975 | March 31, 1976 | — |
| Report on Changes of Name | August 16, 1976 | — |
| Report on The Impact of Divorce on Existing Wills | February 28, 1977 | <i>The Succession Law Reform Act</i> , S.O. 1977, c. 40, s. 17 (2) |
| Annual Report 1976 | March 31, 1977 | — |

Many of the Commission's earlier reports are no longer in print. Those that are still in print may be ordered from Publications Service, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, Canada, M7A 1N8.

APPENDIX B

OFFICERS AND PERMANENT STAFF ONTARIO LAW REFORM COMMISSION

| | |
|---|--|
| Chairman | Derek Mendes da Costa, Q.C., LL.B., LL.M., S.J.D. |
| Vice Chairman | Honourable George A. Gale, C.C., Q.C., LL.D. |
| Commissioners | Honourable Richard A. Bell, P.C., Q.C. W. Gibson Gray, Q.C. Honourable James C. McRuer, O.C., LL.D., D.C.L. William R. Poole, Q.C. |
| Counsel | M. Patricia Richardson, B.A., M.A., LL.B. |
| Secretary | Miss A. F. Chute |
| Legal Research Officers | M. A. Springman, B.A., M.A., M.Sc., LL.B. Jennifer K. Bankier, B.A., LL.B. William A. Bogart, B.A., LL.B. Mary Elizabeth Burt Salter, B.A., LL.B. |
| Administrative Assistant | Mrs. Roslynne F. Mains, B.A. |
| Secretary to Chairman | Mrs. Stephanie Hlynka |
| Secretary to Vice Chairman | Mrs. E. N. Page |
| Secretary to Counsel | Mrs. D. M. Halyburton |
| Secretary to Administrative Officer | Mrs. B. G. Woodley |
| Secretary to Legal Research Officers | Ms. Grace C. Novakowski, B.A. |
| Receptionist | Miss J. A. M. O'Loughlin |

APPENDIX C

Statement issued by the Office of the Premier of Ontario, April 15, 1977.

The appointment of Dr. Derek Mendes da Costa, Q.C., of Toronto, as Chairman of the Ontario Law Reform Commission was announced today by Premier William Davis. The appointment is effective July 1.

Dr. Mendes da Costa replaces H. Allan Leal, Q.C., who was recently appointed Deputy Attorney General.

Derek Mendes da Costa, Q.C., LL.B., LL.M., S.J.D., is a solicitor of the Supreme Court, England; a barrister and solicitor of the Supreme Court, Victoria, Australia; and a member of the Ontario Bar.

A former Assistant Lecturer in Law, King's College, University of London, Senior Lecturer, University of Melbourne and Professor at Osgoode Hall Law School, he has been a Professor at the University of Toronto since 1968.

He is a Fellow of Victoria College, University of Toronto, and holds membership in the International Faculty of Comparative Law (Strasbourg) and was a member of the Special Committee on Legal Education of the Law Society of Upper Canada. He has been Chairman of the Board of Advisors of the Pilot Conciliation Project, Ontario Provincial Court (Family Division), since 1976.

A former member of the Senate of York University, Dr. Mendes da Costa was its Vice Chairman in 1967-68. Former Chairman of the University of Toronto Faculty Association grievance committee, 1971, he is Chairman of the Graduate Studies Committee of the Faculty of Law.

Dr. Mendes da Costa was a member from 1975 to 1977 of the Human Review Committee of the Department of Psychiatry, as a representative from the Faculty of Law for the office of research administration and was a member of the President's Task Force on Gerontology.

A Research Associate with the Ontario Law Reform Commission on the Family Law Project for three years and the Law of Property Project for six, he prepared working papers on these topics.

Dr. Mendes da Costa is the author of more than twenty publications and articles on Law.

